UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,096	11/16/2001	Michael Sawyer	P1830US00	2882

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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/991,096	SAWYER, MICHAEL
	Examiner	**Art Unit**	
	Faruk Hamza	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on <u>16 November 2001</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>16 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on November 16, 2001.

Claims 1-24 are now pending.

Claim Objections

2.   Claim 11 is objected to under 37 CFR 1.75 as being a substantial

duplicate of claim 8. When two claims in an application are duplicates or else are

so close in content that they both cover the same thing, despite a slight

difference in wording, it is proper after allowing one claim to object to the other as

being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 8 and 11 recites the limitation "the INTERNET" in line 1. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

6.   Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by

Goldband et al. (U.S. Patent Number 6,434,532) hereinafter referred as

Goldband.

7.   Goldband has disclosed:

• <Claim 1>

A system for remotely determining a user's out-of-box experience,

comprising:

a user information handling system capable of detecting and uploading

data related to the user's out-of-box interaction with the user information handling

system; (Column 2, lines 3-6)

a network suitable for communicating uploaded data, wherein the network

is connected to the user information handling system; and (Column 1, lines 56-

61)

a remote information handling system connected to the network, wherein

the remote information handling system is suitable for receiving uploaded data

from the user information handling system. (Column 2, lines 3-7).

• <Claim 2>

The system of claim 1, wherein the user information handling system is capable of automatically uploading user interaction data. (Column 2, lines 3-7).

- <Claim 3>

The system of claim 1, wherein the user information handling system is capable of offering an opportunity to upload user interaction data. (Column 2, lines 3-6).

- <Claim 4>

The system of claim 1, wherein the remote information handling system is capable of correlating the uploaded data with the user information handling system's pre-loaded configuration. (Column 3, lines 23-26)

- <Claim 5>

The system of claim 1, wherein user interaction data is at least one of an occurrence of an event, a time interval between events, a user input, ":HELP" button utilization, a time period to load a program, an accessed program's name, an installation of a driver, a screen capture, a time period a dialog box is open. (Column 7, lines 55-60)

- <Claim 6>

The system of claim 1, wherein the user information handling system detects user interaction data as a background application. (Column 4, lines 30-34).

- <Claim 7>

    The system of claim 1, wherein the user's interactions are detected for at least one of an initial boot-up, a specific number of boot operations, a time period, and after a program has been started a specific number of times. (Column 4, lines 15-20)

- <Claim 8>

    The system of claim 1, wherein the network is the INTERNET. (Column 1, lines 56-61).

- <Claim 9>

    The system of claim 1, wherein the user information handling system is capable of surveying the user. (Column 2, lines 24-27)

- <Claim 10>

    A system for remotely determining a user's out-of-box experience, comprising:

a user information handling system capable of detecting and uploading

data related to the user's out-of-box interaction with the user information handling

system during initialization; (Column 1, lines 64-67; Column 2, lines 1-6)

a network suitable for communicating uploaded data, wherein the network

is connected to the user information handling system; and (Column 1, lines 56-

61)

a remote information handling system connected to the network, wherein

the remote information handling system is suitable for receiving the uploaded

data from the information handling system. (Column 2, lines 3-7).

- <Claim 11>

The system of claim 1, wherein the network is the INTERNET. . (Column

1, lines 56-61).

- <Claim 12>

A method for remotely determining a user's out-of-box experience with a

user information handling system, comprising:

providing the user information handling system with the capability of

detecting data related to the user's interactions with the user information handling

system; (Column 1, lines 56-61)

initializing the user information handling system including user interaction

detecting capability, by the user; (Column 2, lines 3-7)

detecting data related to the user's interactions with the information

handling system during initialization; (Column 1, lines 64-67; Column 2, lines 1-2)

compiling the detected user interaction data; (Column 2, lines 3-7)

uploading the user interaction data to a network; (Column 2, lines 3-7)

communicating user interaction data to a remote information handling

system. (Column 2, lines 3-7).

- <Claim 13>

    The method of claim 12, further comprising offering an incentive to upload

user interaction data. (Column 2, lines 3-6).

- <Claim 14>

    The method of claim 12, wherein uploading user interaction data is

conducted automatically. (Column 1, lines 56-61)

- <Claim 15>

    The method of claim 12, wherein uploading user interaction data is

initiated by the user. (Column 2, lines 3-7)

- <Claim 16>

The method of claim 12, wherein detecting the user's interactions with the

information handling system is conducted as a background operation. (Column 4,

lines 30-34).

- <Claim 17>

The method of claim 12, wherein uploading compiled user interaction data

is conducted after at least one of an initial boot-up, after a specific number of

boot operations, and a time period. (Column 4, lines 15-20)

- <Claim 18>

The method of claim 12, further comprising surveying the user about

information regarding at least one of demographic data and user opinion. (Fig. 7)

- <Claim 19>

The method of claim 18, further comprising correlating survey information

with user interaction data. (Column 8, lines 4-10)

- <Claim 20>

A method, comprising:

detecting an initialization of a user when the user sets up a user

information handling system; (Column 1, lines 64-67; Column 2, lines 1-2)

saving the initialization activity detected in said detecting step to a file;

(Column 2, lines 3-7)

uploading the file to an originator of the user information handling system

wherein the initialization activity of the user is correlated by the originator.

(Column 2, lines 3-16)

• <Claim 21>

A method as claimed in claim 20, further comprising the step of correlating

the initialization activity of the user, determining whether a change in the

initialization is needed, and, in the event a change is needed, modifying an

initialization process for new information handling systems in response to the

analyzed initialization activity of the user. (Column 2, lines 10-16)

• <Claim 22>

A software system for remotely detecting a user's out-of-box experience,

comprising:

a computer-readable medium containing; (Fig. 3)

a first software program capable of causing a user information handling

system to perform a function; and (Column 2, lines 58-63)

a second software program capable of causing the user information

handling system to detect and compile the user's initial interactions with the

information handling system performing the first software program; (Column 2,

lines 3-7)

wherein the second software program is a background application; and

(Column 4, lines 30-34).

wherein the second software program is capable of causing the user

information handling system to upload the compiled data to a remote

information handling system. (Column 2, lines 3-7).

- <Claim 23>

An apparatus, comprising:

means for detecting an initialization activity of a user when the user

initializes an information handling system; (Column 1, lines 64-67; Column 2,

lines 1-2)

means for saving the initialization activity detected by said monitoring

means to a file; and (Column 2, lines 3-7)

means for uploading the file to an originator of the user information

handling system wherein the initialization activity of the user is correlated by

the originator. (Column 2, lines 3-16)

- <Claim 24>

An apparatus as claimed in claim 23 wherein the originator correlates the

initialization activity of the user so that a future system can be configured in

response to the correlated initialization activity of the user. (Column 2, lines 10-27).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Springer (U.S. Patent Number 6,321,262) discloses a system and method for identification and streamlined access to online services.

- Hayes,Jr. (U.S. Patent Number 6,237,092) discloses a client-server system with central application management allowing an administrator to configure user and group context during application configuration

- Prager et al. (U.S. Patent Number 5,838,918) discloses a distributing system configuration information from a manager machine to subscribed endpoint machines in a distributed computing environment

- Piepho et al. (U.S. Patent Number 6,704,401) discloses a system of and method for configuring an automatic appliance.

- Rajan et al. (U.S. Patent Number 6,633,910) discloses a method for enabling real time monitoring and notification of data updates for web-based data synchronization services.

- Watts (U.S. Patent Number 6,327,623) discloses a computer system with environmental detection.

9.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Faruk Hamza whose telephone number is

571-272-7969. The examiner can normally be reached on Monday through

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Hosain Alam can be reached at 571-272-3978. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155

HOSAIN ALAM

SUPERVISORY PATENT EXAMINER